

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

# **HOUSE BILL 2486**

AN ACT

AMENDING SECTIONS 15-721, 15-722 AND 15-731, ARIZONA REVISED STATUTES;  
RELATING TO TEXTBOOKS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 15-721, Arizona Revised Statutes, is amended to  
3 read:

4              15-721. Common schools; course of study; textbooks; definition

5       A. The governing board shall approve for common schools the course of  
6 study, the basic textbook for each course and all units recommended for  
7 credit under each general subject title prior to implementation of the  
8 course.

9       B. If any course does not include a basic textbook, the governing  
10 board shall approve all supplemental books used in the course prior to  
11 approval of the course.

12       C. If any course includes a basic textbook and uses supplemental  
13 books, the governing board may approve all supplemental books and teaching  
14 aids, including instructional computer software, **THAT ARE** used in the course  
15 prior to approval of the course.

16       D. If the course includes a basic textbook and uses supplemental books  
17 that have not been approved by the governing board at the time of approval of  
18 the course, a teacher may use the supplemental books at any time during the  
19 school year. Use of the supplemental books shall be brought to the attention  
20 of the governing board during the school year in which they are added for  
21 ratification.

22       E. Notwithstanding any other law, ~~the provisions of~~ subsections B and  
23 C do not apply to supplemental books used in courses or programs instituted  
24 pursuant to article 4 of this chapter.

25       F. The governing board shall:

26              1. Enforce the course of study and select all textbooks used in the  
27 common schools and purchase the textbooks from the publishers. District  
28 school funds may be budgeted and expended by the governing board for teaching  
29 aids, including instructional computer software. For courses that do not  
30 require that each student have a textbook other than for classroom  
31 instruction, the school district need only purchase one textbook for each  
32 student in the largest group that would be receiving classroom instruction at  
33 any one time.

34              2. Require that all meetings of committees authorized for the purposes  
35 of textbook review and selection be open to the public as prescribed in title  
36 38, chapter 3, article 3.1.

37              3. Make available at the school district office for review by the  
38 public, for a period of sixty days prior to formal selection of textbooks, a  
39 copy of each textbook **THAT IS** being considered for selection.

40       G. FOR THE PURPOSES OF THIS SECTION, "TEXTBOOK" MEANS PRINTED  
41 INSTRUCTIONAL MATERIALS OR DIGITAL CONTENT, OR BOTH, AND RELATED PRINTED OR  
42 NONPRINTED INSTRUCTIONAL MATERIALS, THAT ARE WRITTEN AND PUBLISHED PRIMARILY  
43 FOR USE IN SCHOOL INSTRUCTION AND THAT ARE REQUIRED BY A STATE EDUCATIONAL  
44 AGENCY OR A LOCAL EDUCATIONAL AGENCY FOR USE BY PUPILS IN THE CLASSROOM,

1 INCLUDING MATERIALS THAT REQUIRE THE AVAILABILITY OF ELECTRONIC EQUIPMENT IN  
2 ORDER TO BE USED AS A LEARNING RESOURCE.

3 Sec. 2. Section 15-722, Arizona Revised Statutes, is amended to read:

4 15-722. High schools; course of study; textbooks; definition

5 A. The governing board shall approve for high schools the course of  
6 study, the basic textbook for each course and all units **THAT ARE** recommended  
7 for credit under each general subject title prior to implementation of such  
8 course.

9 B. If any course does not include a basic textbook, the governing  
10 board shall approve all supplemental books **THAT ARE** used in such course prior  
11 to usage.

12 C. If any course includes a basic textbook and uses supplemental books  
13 or instructional computer software, the governing board may approve all  
14 supplemental books and instructional computer software **THAT ARE** used in such  
15 course prior to usage.

16 D. If the course includes a basic text and uses supplemental books  
17 ~~which~~ **THAT** have not been approved by the governing board at the time of  
18 approval of the course, a teacher may use such supplemental books at any time  
19 during the school year. Use of such supplemental books shall be brought to  
20 the attention of the governing board during the school year in which they are  
21 added for ratification.

22 E. The governing board shall prescribe up to five textbooks for each  
23 course and the teacher, with the consent of the governing board, may use any  
24 one of the prescribed textbooks for the purposes of ~~his~~ **THE TEACHER'S** course.

25 F. FOR THE PURPOSES OF THIS SECTION, "TEXTBOOK" MEANS PRINTED  
26 INSTRUCTIONAL MATERIALS OR DIGITAL CONTENT, OR BOTH, AND RELATED PRINTED OR  
27 NONPRINTED INSTRUCTIONAL MATERIALS, THAT ARE WRITTEN AND PUBLISHED PRIMARILY  
28 FOR USE IN SCHOOL INSTRUCTION AND THAT ARE REQUIRED BY A STATE EDUCATIONAL  
29 AGENCY OR A LOCAL EDUCATIONAL AGENCY FOR USE BY PUPILS IN THE CLASSROOM,  
30 INCLUDING MATERIALS THAT REQUIRE THE AVAILABILITY OF ELECTRONIC EQUIPMENT IN  
31 ORDER TO BE USED AS A LEARNING RESOURCE.

32 Sec. 3. Section 15-731, Arizona Revised Statutes, is amended to read:

33 15-731. Definitions

34 In this article, unless the context otherwise requires:

35 1. "Accessible electronic file" means, until a national file format is  
36 adopted by the United States department of education, a digital file in a  
37 mutually agreed on by the publisher and the local educational agency  
38 electronic file format that has been prepared using a markup language that  
39 maintains the structural integrity of the information and can be processed by  
40 conversion software. If a national file format is adopted by the United  
41 States department of education, accessible electronic file means an  
42 electronic file conforming to the specifications of the national file format  
43 adopted by the United States department of education.

44 2. "~~Available~~ Authorized entity" means an authorized entity, as  
45 defined by 17 United States Code section 121, that commonly provides

1 alternative format school materials that are accessible by schools in this  
2 state and that has the vendor's authorization to make alternative formats.

3       3. "Child with a disability" means a pupil who is subject to an  
4 individualized education plan pursuant to the individuals with disabilities  
5 education act of 1997 (20 United States Code sections 1400 through 1415) or a  
6 pupil with a section 504 plan, and whose individualized education plan or  
7 section 504 plan requires the use of instructional materials in a specialized  
8 format.

9       4. "Individualized education plan" has the same meaning prescribed in  
10 20 United States Code sections 1401 and 1412 ~~and section 15-76~~.

11       5. "Nonprinted instructional materials" means nonprinted textbooks **OR**  
12 **DIGITAL CONTENT, OR BOTH,** and related core materials, including those that  
13 require the availability of electronic equipment in order to be used as a  
14 learning resource, that are written and published primarily for use in  
15 elementary school and secondary school instruction and that are required by a  
16 state educational agency or a local educational agency for use by pupils in  
17 the classroom. These materials shall be available to the extent  
18 technologically available and may include software programs and internet  
19 based materials.

20       6. "Printed instructional materials" means textbooks **OR DIGITAL**  
21 **CONTENT, OR BOTH,** and related printed core materials that are written and  
22 published primarily for use in elementary school and secondary school  
23 instruction and that are required by a state educational agency or a local  
24 educational agency for use by pupils in the classroom.

25       7. "Section 504 plan" means a written statement developed for a pupil  
26 with a disability that includes the provision of regular or special education  
27 and related aids and services, including assistive technology, that is  
28 designed to meet individual educational needs in accordance with 34 Code of  
29 Federal Regulations part 104.

30       8. "Structural integrity" means the structure of all parts of the  
31 printed instructional material ~~are~~ **IS** kept intact to the extent feasible and  
32 as mutually agreed on by the publisher and the local educational agency. If  
33 a national file format is adopted by the United States department of  
34 education, the national file format's technical specifications for structural  
35 integrity are required in the accessible electronic file.

36       9. "Vendor" means a person or entity that offers printed or nonprinted  
37 instructional materials for commercial sale to a school district and other  
38 public schools.